



WHITEPAPER

**NEW REGULATION  
PAID PARENTAL LEAVE**



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**At present, Dutch employees who are parents or guardians of a child up to the age of 8 are entitled to parental leave. The duration of this leave is 26 times the number of hours worked per week. The leave is unpaid, unless the employment contract or CLA states otherwise. In principle, the employee can decide for himself how the leave is distributed and taken. The employer can only refuse a request for leave if he has a compelling business or service-related interest in doing so. In that case, another distribution of the leave hours can be agreed upon. This is possible up to four weeks prior to the start of the leave.**

In October 2021, the Paid Parental Leave Act was passed. As a result, a new paid parental leave regulation takes effect on 2 August 2022. With this new regulation, parental leave becomes a partially paid leave. This means that every working parent in the child's first year of life is entitled to up to 9 weeks of paid parental leave.

The reason for this new regulation on parental leave is the implementation of a European Directive, which contains minimum requirements for paternity leave, parental leave and informal care leave. On the basis of this Directive, employees are entitled to two months of paid parental leave. At the moment, this is still unpaid in the Netherlands.

### Purpose of the Paid Parental Leave Act

The aim of the Paid Parental Leave Act is to give families more time to get used to the new situation. And to enable parents to make conscious choices about the division of work and care together.

During parental leave, the employer cannot change the employment relationship with the employee. The employee thus keeps the same job and all the rights he or she had before the leave. Thus, the employee may not be disadvantaged because of his or her leave.

### Paid Parental Leave

The new paid parental leave scheme is a benefit which every parent can receive when taking parental leave. During the child's first year of life, the parent is entitled to paid parental leave of up to 9 times the weekly working hours. In the case of foster care and adoption, this entitlement can also be taken in

the first year after the child's inclusion in the family, provided the child has not yet reached the age of 8 years.

In case of multiple births or adoption of several children, the entitlement is calculated at 9 times the weekly working hours per child. In the case of foster care or cohabitation with several children, this remains 9 times the working hours per week.

### Who is eligible for paid leave?

- Employee is legal parent; or
- Employee has acknowledged the child; or
- Employee lives with, cares for and raises the child. (for example a family member) or
- Employee is the foster or adoptive parent.

The paid parental leave can be taken in parts. For example, several days per

week, or several times several whole working weeks. The leave must be taken within one year after the birth. The employer can only refuse a request for leave when he has a compelling business or service interest. In this case, a different division of the leave hours can be agreed upon. This is possible up to four weeks prior to the start of the leave.

The remaining 17 weeks of parental leave are still possible until the child reaches the age of 8. This leave is unpaid.

### Paid parental leave for children born before the introduction of the law

The paid parental leave also applies to parents whose children were born before 2 August 2022. The child must be younger than 1 year when the law takes effect and the parent must not yet have taken the full right (26 times the working hours per week) to parental leave.

### Example:

An employee is a parent of a child (5 months) at the date of the introduction of the Act. He or she has already taken 16 weeks (statutory unpaid) parental leave. This employee has 7 months left to take 9 weeks paid parental leave. Then the child is 1 year old. During those 9 weeks, he or she is entitled to benefit.

### Level of benefit

The amount of the benefit during paid leave is 70% of the employee's daily wage, or 70% of the maximum daily wage.

**Please note:** the percentage of 70% has not yet been definitively determined.

### Accrual of holidays

During the period of paid parental leave, the employee continues to accrue holidays. This applies both to the part of the parental leave on



which the employee receives a benefit from the UWV and the part on which the employer (e.g. by virtue of the employment contract or a collective agreement) pays for the parental leave, regardless of the level of this payment. The employee does not accrue holidays while taking unpaid parental leave.

## Application procedure

The employee submits the application for parental leave to the employer.

From 2 August 2022, the employer can apply for paid parental leave benefit for the employee. The benefit is a WAZO benefit (Work and Care Act) and can be claimed after the employee has taken parental leave for at least one time the number of hours in his working week.

## Birth leave

In addition to parental leave, the mother's partner is entitled to up to five days of paid maternity leave on the birth of a child. days of paid childbirth leave.

In the first six months after the birth, partners can take an additional five weeks of birth leave. During this period, they are entitled to a benefit from the UWV equal to 70% of the (maximum) daily wage.

Employees who adopt a child or integrate a child permanently into their family are entitled to six weeks of paid adoption and foster care leave.



## Conclusion:

As of 2 August 2022, in the event of the birth of a child

- mothers are entitled to paid maternity leave (by the UWV).
- Partners are entitled to five days paid maternity leave (by the employer).
- partners entitled to five weeks of additional birth leave in the first six months after the baby's birth, with a (UWV) payment of 70% of the (maximum) daily wage.
- both parents are entitled to a maximum of nine weeks paid parental leave during the first year after the birth, with a benefit amounting to 70% of the (maximum) daily wage.
- both parents entitled to unpaid parental leave of a total of 26 weeks for children up to the age of 8.

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